

Arthur L. Aidala, Esq.  
LAW OFFICES OF AIDALA, BERTUNA & KAMINS, P.C.  
546 Fifth Avenue, 6<sup>th</sup> Floor, New York, NY 10036  
(212) 486-0011 \* Fax - (917) 261-4832  
[aidalaesq@aidalalaw.com](mailto:aidalaesq@aidalalaw.com)  
Attorney Appearing Pro Hac Vice  
Counsel for Plaintiff

**DISTRICT COURT FOR THE UNITED  
STATES DISTRICT OF ARIZONA**

-----	X	
	:	
KEITH RANIERE,	:	
	:	
	:	
	:	
Plaintiff,	:	Civil Action No.:
	:	4:22-cv-00561-RCC
v.	:	
	:	
MERRICK GARLAND, US ATTORNEY	:	
GENERAL; COLETTE PETERS, DIRECTOR	:	
FEDERAL BUREAU OF PRISONS;	:	
UNKNOWN CURRENT WARDEN USP	:	
TUCSON, ANTHONY GALLION (all in their	:	
official capacities),	:	
	:	
Defendants.	:	
-----	X	

**MOTION FOR LEAVE TO FILE PLAINTIFF'S STATEMENT OF FACTS AND  
CONTROVERTING STATEMENT OF FACTS IN OPPOSITION TO DEFENDANTS'  
STATEMENT OF FACTS IN SUPPORT OF DEFENDANTS' SUMMARY JUDGMENT  
MOTION NUNC PRO TUNC**

---

**AIDALA, BERTUNA & KAMINS P.C.**

Arthur L. Aidala, Esq.  
546 5th Avenue, 6th Floor  
New York, New York  
(212) 486-0011  
[aidalaesq@aidalalaw.com](mailto:aidalaesq@aidalalaw.com)

*Attorneys for Plaintiff Keith Ranieri*

Plaintiff, Keith Raniere (“Plaintiff”), hereby files this Motion to request leave to file supplemental documents to his Opposition to Defendants’ Summary Judgment Motion, as these documents have been inadvertently omitted in Plaintiff’s previous filings due to a clerical error by a staffer, and respectfully requests that the Court accept these documents nunc pro tunc. Plaintiff does not oppose any request by the Defendants to supplement its Reply should Defendants deem it necessary to do so in light of the documents Plaintiff seeks to file. In support of his Motion, Plaintiff states as follows:

1. On May 1, 2024, Defendants Merrick Garland, Unknown Gutierrez, Colette Peters, Unknown Ulrich (“Defendants”) filed a Motion for Summary Judgment on Exhaustion of Administrative Remedies (“Defendants’ Motion”). On June 21, 2024, Plaintiff filed his Opposition to Defendants’ Motion (“Plaintiff’s Opposition”) and, on July 8, 2024, Defendants submitted their Reply to Plaintiff’s Opposition (“Defendants’ Reply”).

2. Pursuant to LRCiv. 56.1(b), a party opposing a Motion for Summary Judgment is required to file a separate statement of facts, to show whether and to what extent he disputes each of the moving parties’ facts, and to provide additional facts.

3. However, in his June 21, 2024, filing, Plaintiff inadvertently omitted the submission of his Statement of Facts, annexed hereto as **EXHIBIT A**, and Controverting Statement of Facts in Opposition to Defendants’ Statement of Facts in support of their Motion for Summary Judgment on Exhaustion (“Controverting Statement of Facts”), annexed hereto as **EXHIBIT B**.

4. This occurred due to a clerical error during the ECF filing process, during which, Plaintiff’s Memorandum of Law was filed, yet the aforementioned documents were inadvertently not filed.

5. Should the Court grant leave for Plaintiff to file the above-referenced and annexed documents, Defendants will not suffer any prejudice. Furthermore, the interests of justice requires that Plaintiff be allowed to demonstrate his version of the facts, as well as the specific areas of Defendants' Statement of Facts that are admitted, disputed, and/or objected to. Lastly, if this Court grants this Motion, and Defendants request a leave to file a supplemental Reply, Plaintiff will not oppose this request. As such, in the interest of justice and efficiency under the totality of circumstances, Plaintiff respectfully makes the request herein.

6. We have conferred with the United States Attorney's Office and they do not consent to our request.

**WHEREFORE**, Plaintiff respectfully submits this Motion requesting that the Court grant leave to file his Statement of Facts and his Controverting Statement of Facts.

Dated: New York, New York  
August 13, 2024

**AIDALA, BERTUNA & KAMINS P.C.**

/s/ Arthur L. Aidala  
Arthur L. Aidala, Esq.  
546 5th Avenue, 6th Floor  
New York, New York  
(212) 486-0011  
aidalaesq@aidalalaw.com

*Attorneys for Plaintiff Keith Raniere*